



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3012331
Applicant Name: Brad Freeman
Address of Proposal: 3926 S. Brandon St

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one development site into seven unit lots. The construction of residential units has been approved under Project #6143224. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots.

The following approval is required:

Unit Lot Subdivision - To create seven unit lots. (SMC Chapter 23.24)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition
or involving another agency with jurisdiction.

*SEPA review of the on-site development was conducted under MUP 3007529.

BACKGROUND DATA

Zoning: Lowrise 2 (LR2)

Substantive Site Characteristics:

The 11,314 square foot mid-block subject site is a rectangular lot that fronts on S. Brandon Street to the south, and is situated approximately midway between 39th Avenue S. on the west and 42nd Avenue S. on the east. The site is located within an area zoned Lowrise 2 (LR2). The area directly to the north of the site is zoned Neighborhood Commercial with a forty foot height limit (NC2-40). The

area one-half block to the south and west is zone single-family (SF 5000). The site has an east-west dimension of approximately 80 feet and a north-south dimension of approximately 141 feet.

The site is relatively flat, but the southern edge of the property is located within a mapped environmentally critical area due to the presence of a steep slope. Environmental review resulting in a Threshold Determination was required for proposed development on the site pursuant to the State Environmental Policy Act (SEPA), WAC 197-11 as well as by the City of Seattle SEPA Ordinance (SMC Chapter 25.05). A SEPA Determination of Non Significance with Conditions was issued as MUP 3007529.

Proposal Description

The applicant proposes to subdivide one development site into seven unit lots. The construction of residential units has been approved under Project #6143224. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Unit lot sizes are as follows: A) 2,123 sq. ft., B) 1,567 sq. ft., C) 3,105 sq. ft., D) 1,129 sq. ft., E) 1,125 sq. ft., F) 1,124 sq. ft.; and G) 1,140 sq. ft.

Public Comment

Notice of the current application was published on June 2, 2011. A public comment period ran through June 15, 2011. No comment letters were received during this period.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this unit lot subdivision will meet all minimum standards or applicable exceptions of the set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this unit lot subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and

service is assured, subject to standard conditions governing utility extensions. The proposal site is located in mapped environmentally critical area (steep slope) and environmental impacts have been addressed under issued permits #3007529 and #6143224. The proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, is required, when the unit lot subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

- A. The unit lot subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. A joint use and maintenance agreement has been included on the short plat documents and should also be included on the final documents for recording.*
- F. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Department of Records and Elections.*
- G. The fact that the unit lot is not a separate build-able lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Summary - Unit Lot Subdivision

Review of this application shows that the proposed unit lot subdivision would conform to applicable standards of SMC 23.24.045, subject to any conditions imposed at the end of this decision. The proposed developments are referred to as “townhouses.” The structures, as reviewed under their separate building permits, conform to the development standards for the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited; the applicant will be required to add a note to the face of the plat that reads as follows: Include the following on the face of the plat: *“The lots created by unit subdivision are not separate buildable lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code.”*

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED.**

CONDITIONS – UNIT LOT SUBDIVISION

Conditions for the Life of the Project

1. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: _____ (signature on file) Date: September 22, 2011
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

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